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\*\*E-filed 2/13/06\*\*

Attorneys for Plaintiff MICROSOFT CORPORATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

SUNCREST ENTERPRISE, a California  
corporation; and YI-LING CHEN, an individual  
a/k/a EILEEN CHEN,

Defendants.

CASE NO. 03-CV-5424-JF/HRL

STIPULATION TO CONTINUE MOTION  
HEARING CUT-OFF, PRE-TRIAL AND  
TRIAL DATES; [PROPOSED] ORDER

SUNCREST ENTERPRISE, INC., a California  
corporation,

Third Party Claimant,

v.

M-PLUS INTERNATIONAL TECHNOLOGY,  
INC., a California corporation; SIMON PL YU,  
an individual; and AILEEN Y. JIN, an  
individual,

Cross-Defendants.

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1 The parties, by and through their attorneys of record, request that the Court accept the  
 2 parties' Stipulation to Continue the Motion Hearing Cut-off, Pre-Trial and Trial Dates in this  
 3 matter.

4 On January 27, 2006, Microsoft, Defendants and Cross Defendants participated in a  
 5 settlement conference before Magistrate Judge Lloyd. The settlement conference was not  
 6 successful. The current Motion Hearing Cut-off is March 17, 2006. The Court, however, is not  
 7 available that date. The Court's first available date after the 17<sup>th</sup> for hearing on a motion for  
 8 summary judgment is March 31<sup>st</sup>. The parties request a continuance of the Motion Hearing Cut-  
 9 off and a week continuance of the Pre-Trial Conference and Trial Date to allow the Court time to  
 10 rule on any motions for summary judgment prior to the Pre-Trial Conference.

11 The parties hereby request the Court continue the existing dates as follows:

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
12 Motion Hearing Cut-off:	March 17, 2006	March 31, 2006
14 Pre-Trial Conference	April 7, 2006	April 14, 2006
15 Trial	April 21, 2006	April 28, 2006

16  
 17 **IT IS SO STIPULATED:**

18  
 19 DATED: February 9, 2006

PERKINS COIE LLP

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 21 By: 

Katherine M. Dugdale  
 Attorneys for Plaintiff  
 MICROSOFT CORPORATION

22  
 23 DATED: February 9, 2006

24 GORMAN & MILLER, P.C.

25  
 26 By: 

John C. Gorman  
 Attorneys for Defendants  
 SUNCREST ENTERPRISE and YI-LING  
 CHEN a/k/a EILEEN CHEN

1  
2 DATED: February 9, 2006

SHAWN T. LEUTHOLD

3  
4 By: 

Shawn T. Leuthold  
Attorneys for Cross-Defendants  
M-PLUS INTERNATIONAL  
TECHNOLOGY, INC., SIMON PL YU, and  
AILEEN Y. JIN

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9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

	<u>Previous Dates:</u>	<u>New Dates:</u>
10 Motion Hearing Cut-off:	March 17, 2006	March 31, 2006
11 Pre-Trial Conference:	April 7, 2006	April 14, 2006
12 Trial:	April 21, 2006	May 28, 2006

13  
14  
15 Dated: February 13, 2006

  
HON. JEREMY FOGEL  
United States District Judge

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On February 9, 2006, I served a true copy of **STIPULATION TO CONTINUE MOTION HEARING CUT-OFF, PRE-TRIAL AND TRIAL DATES; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

**John C. Gorman**  
**Craig Alan Hansen**  
**GORMAN & MILLER, P.C.**  
**210 North Fourth Street, Suite 200**  
**San Jose, CA 95112**  
**Telephone: (408) 297-2222**  
**Facsimile: (408) 297-2224**

**Attorneys for Defendant/Cross-Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN**

**Shawn T. Leuthold**  
**Law Office of Shawn T. Leuthold**  
**1671 The Alameda, Suite 309**  
**San Jose, CA 95126**  
**Telephone: (408) 924-0132**  
**Facsimile: (408) 924-0134**

**Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)**

☒ **BY MAIL**) I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

☐ **(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

☐ **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

1 ☐ **(BY E-MAIL)** I served a true copy of on the interested parties in this action by  
2 email, addressed as follows:

3 ☐ **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be  
4 sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

5 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of  
6 California that the above is true and correct.

7 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of  
8 this court at whose direction the service was made.

9 Executed on February 9, 2006, at Santa Monica, California.

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11 SANAYE KUMAGAI  
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